

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 14TH AUGUST 2007 / 23RD SRAVANA 1929

Bail Appl..No. 4948 of 2007()

PETITIONER/7TH ACCUSED

MOHAMMED RAFI M.K., S/O. MUTHUKOYA
THANGAL, NAIMARMOOLA, MADHUR PANCHAYAT,
KASARGODE DISTRICT.

BY ADV. SRI.T.G.RAJENDRAN

RESPONDENTS: COMPLAINANT & STATE

1. THE STATION HOUSE OFFICER,
BANTWAL TOWN POLICE STATION, DAKSHINA KANNADA
DISTRICT, KARNATAKA.
2. THE SUPERINTENDENT OF POLICE,
KASARGODE.
3. STATE, REP. BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 14/08/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R.BASANT, J.

B.A.No.4948 of 2007

Dated this the 14th day of August 2007

O R D E R

Application for anticipatory bail. The petitioner is the seventh accused in a crime registered at Bantwal town police station, Karnataka for offences punishable inter alia under Section 366 I.P.C. The crux of the allegations against the petitioner is that he, along with the other accused, abducted the de facto complainant, one Sunitha, an employee in a beauty parlour. Investigation is in progress. The petitioner apprehends imminent arrest.

2. The learned counsel for the petitioner submits that the petitioner is willing to co-operate for the proper further investigation of the crime and is prepared to surrender before the learned Magistrate having jurisdiction. He may be given opportunity to surrender before the learned Magistrate without the threat and risk of going into police custody before he is able to surrender before the learned Magistrate. The learned Public Prosecutor raises no objection on condition that appropriate safeguards are made to ensure that the petitioner is available before the learned Magistrate concerned on an early date.

3. Having considered all the relevant circumstances, I am satisfied that the petitioner can be granted an opportunity to

surrender before the learned Magistrate and seek regular bail.

4. In the result, this petition is allowed. Following directions are issued under Section 438 Cr.P.C in favour of the petitioner.

i) Petitioner shall surrender before the learned Judicial First Class Magistrate Court having jurisdiction over the subject matter in the Karanataka State on or before 24/8/2007.

ii) He may apply for regular bail before the learned Magistrate after giving prior notice to the prosecutor and shall abide by the orders to be passed by the learned Magistrate on such application for bail.

(iii) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with him in accordance with law, as if these directions were not issued at all.

(iv) If he were arrested prior to 24/8/2007, he shall be released from custody on his executing a bond for Rs.25,000/- (Rupees twenty five thousand only) without any sureties, undertaking to appear before the learned Magistrate on 24/8/2007.

(R.BASANT, JUDGE)

jsr

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007